Crl. Rev. No. 400/2001
(Old No. 1793 of 1996)
Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri G.S.Sandhu learned A.G.A. and perused the record.

This is a revision under Section 397 & 401 of the Code of Criminal Procedure against the judgment and order dated 23.2.1996 passed by the Judicial Magistrate, Pauri Garhwal in criminal case no. 10/1993. The revision was preferred beyond time by 209 days. An application under section 5 of the Limitation Act was preferred supported by an affidavit wherein it had been averred that on account of bad health and for wan of funds the revisionist could not prefer the criminal revision in time. The averment made in the affidavit is vague and without any basis and therefore the delay had not been explained satisfactorily. In view of it, the delay of 209 days cannot be condoned. The application for condonation of delay is dismissed. Consequently, the revision is not maintainable and the revision is dismissed in limine. Consign.

(Irshad Hussain, J.)

Dated: 21.4.2004
Rawat